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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,922	04/26/2000	John Albert Kembel	IMS 05-03	1665
43785	7590	02/05/2009	EXAMINER	
JAS IP CONSULTING 309 2nd STREET SUITE 8 LOS ALTOS, CA 94022			NGUYEN, CHAU T	
			ART UNIT	PAPER NUMBER
			2176	
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			02/05/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

admin@jasipc.com

Office Action Summary	Application No. 09/558,922	Applicant(s) KEMBEL ET AL.	
	Examiner CHAU NGUYEN	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32 and 35-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32 and 35-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment filed on 11/17/2008 has been entered. Claims 32 and 35-43 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 32 and 35-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett et al. (Barnett), US Patent No. 6,369,840 and further in view of Dang, US Application Publication No. US 2002/0089536.

4. As to independent claim 32, Barnett discloses a method of providing content from a server device to a client device, comprising:

receiving a request for the content at the server device (col. 3, lines 1-7, Figure 4 and col. 8, line 60 – col. 9, line 6: user entering login name and password via HTML page for retrieving user-specific information such as user's personal calendar and associated information, the calendaring system is hosted on a server that is connected to the Internet, and the user logs in by interacting with the server via a web page);

the server device, in response to the request, retrieving information usable by the client device to present data that is programmed in a format readable by a Web browser

Art Unit: 2176

program (col. 8, line 60 - col. 9, line 15 and Figure 5: in response to the user entering the information, system 100 including the server retrieves centrally stored user-specific information 111 from database 112, including user preferences and personalized calendar information, and Figure 5 shows a screen shot of a What's New page 306 (retrieving information). Barnett further discloses that the page is in HTML format, which is readable by a Web browser program (col. 6, lines 31-54);

wherein the information includes:

(1) instructions for invoking a client device-resident process for obtaining the data from a device other than the client device (Figures 5-6, col. 5, lines 3-35, col. 6, lines 4-25 and col. 9, lines 2-15: Web server determines which application server 106 is best able to handle a particular connection for a particular user, the application server 106 is running number of processes, and each particular user is assigned to a selected process (computing device-resident process), the selected process contains executing application threads, which are invoked by a director 101 to retrieve personal calendar information from database servers layer 104. The database server 104 includes individual databases, which are stored on separate database servers (devices other than the client device), and

(2) a definition that defines at least in part a functionality and an appearance of a user interface outside of a window of a Web browser program, for rendering on the client device of user interface independent of a Web browser program, and within which the results of the client device-resident process are presented (Figure 5 shows that when the user clicks "event directory" from the navigation bar, the results of which being

Art Unit: 2176

capable of display within the frame shown in Figure 6, Figure 5 also shows a screen shot of a What's New page 306 showing a personalized welcome greeting is displayed, and the information displayed in What's New page (definition) is taken from the user's individual records in the database, the user's individual records displays a functionality and an appearance of user's specific information (col. 5, lines 44-58 and col. 9, lines 38-47). Barnett further discloses in col. 6, line 55 – col. 7, line 4 that as the user operates the present invention, he or she is presented with interactive web pages that provides information and accept input, and one of ordinary skill in the art will recognize that the user may also possibly operate without use of a browser (col. 7, lines 25-30)); and

the server device transmitting the information to the client device (Figures 5-6, col. 5, lines 3-15 and col. 9, lines 15: system 100 including the server retrieves centrally stored user-specific information 111 from database 112, including user preferences and personalized calendar information, and Figure 5 shows a screen shot of a What's New page 306 (retrieving information), which is transmitted and displayed to the user).

Barnett suggests that the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30) and this would suggest that the user interacts with the system can display Internet content independent of a web browser program.

To support the examiner's interpretation, Dang describes that Java applications (standalone applications) that don't need a browser to run (page 1, paragraph [0004]) Dang further describes the use of Java application to create web pages and other web-based application, and the java is used because of its platform independence (page 1,

Art Unit: 2176

paragraph [0016]). Dang further describes Java application provides popup window and frame that appear outside the constraints of the normal browser, and the window and frame can display Internet content (page 2, paragraphs [0030], [0040]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dang with Barnett since both Barnett and Dang references provide a sufficient suggestion to those skilled in the art to modify the Barnett system to include display Internet content independent of a web browser program. The motivation for using popup window and frame is to allow more than one window or frame to be open at any given time.

5. As to dependent claims 35 and 40, Barnett discloses wherein at least a portion of the user interface is a frame within which the results of the client device-resident process are presented (Figure 5 and col. 9, lines 38-47: page 306 shown in Figure 5 is one example of a What's New page, and Figure 5 also shows a portion of the user interface is a frame that displays the information results).

6. As to dependent claims 36 and 41, Barnett discloses wherein at least a portion of the definition fully describes a functionality and an appearance of a frame within which the results of the client device-resident process are presented (Figure 5 also shows a screen shot of a What's New page 306 show a personalized welcome greeting is displayed, and the information displayed in What's New page is taken from the user's individual records in the database, the user's individual records displays a functionality

Art Unit: 2176

and an appearance of user's specific information (col. 5, lines 44-58 and col. 9, lines 38-47)).

7. As to dependent claims 37 and 42, Barnett discloses wherein the definition is provided by a Web content provider, thereby enabling the Web content provider to control at least in part a functionality and an appearance of the frame when rendered by the client device (col. 5, lines 11-15: What's New page (definition) retrieves personal calendar information from database server or web server (web content provider), and the What's New page is taken from the user's individual records in the database, the user's individual records displays a functionality and an appearance of user's specific information (col. 5, lines 44-58 and col. 9, lines 38-47), thus the web server (web content provider) controls at least in part a functionality and an appearance of the frame when rendered, and Figure 5 shows a screen shot of a What's New page 306 (retrieving information), which is transmitted and displayed to the user).

8. As to dependent claim 38, Barnett discloses wherein the client device-resident process is provided by the Web content provider (col. 5, lines 3-35 and col. 6, lines 4-25: web server (web content provider) determines which application server 106 is best able to handle a particular connection for a particular user, and application server is running a number of processes (computing device resident process), and a particular user is assigned to a selected process).

Art Unit: 2176

9. As to independent claim 39, Barnett discloses a method of providing Internet content from a server device to a client device, comprising:

receiving a request from the client device (Figure 4, col. 6, line 55 – col. 7, line 4 and col. 8, line 60 – col. 9, line 6: user entering login name and password via HTML page for retrieving user-specific information via a client computer or user computer);

the server device, in response to the request, retrieving data that is programmed in a format readable by a Web browser program (col. 8, line 60 - col. 9, line 15 and Figure 5: in response to the user entering the information, system 100 retrieves centrally stored user-specific information 111 from database 112, including user preferences and personalized calendar information, and Figure 5 shows a screen shot of a What's New page 306 (retrieving information)),

the data comprising instructions for invoking a client device-resident process and content data to be displayed at the client device outside of a window of a Web browser program in response to execution of said client device-resident process, and a definition that defines at least in part a functionality and an appearance of a user interface outside of a window of, and rendered on the client device independent of, a Web browser program and within which the results of the client device-resident process are presented (Figures 5-6, col. 5, lines 3-35, col. 6, lines 4-25 and col. 9, lines 2-15: Web server determines which application server 106 is best able to handle a particular connection for a particular user, the application server 106 is running number of processes, and each particular user is assigned to a selected process (computing device-resident process), the selected process contains executing application threads, which are

Art Unit: 2176

invoked by a director 101 to retrieve personal calendar information from database servers layer 104. The database server 104 includes individual databases, which are stored on separate database servers (devices other than the client device). Figure 5 shows that when the user clicks “event directory” from the navigation bar, the results of which being capable of display within the frame shown in Figure 6, Figure 5 also shows a screen shot of a What’s New page 306 showing a personalized welcome greeting is displayed, and the information displayed in What’s New page (definition) is taken from the user’s individual records in the database, the user’s individual records displays a functionality and an appearance of user’s specific information (col. 5, lines 44-58 and col. 9, lines 38-47). Barnett further discloses in col. 6, line 55 – col. 7, line 4 that as the user operates the present invention, he or she is presented with interactive web pages that provides information and accept input, and one of ordinary skill in the art will recognize that the user may also possibly operate without use of a browser (col. 7, lines 25-30)), and

the server device transmitting the data to the client device (Figures 5-6, col. 5, lines 3-15 and col. 9, lines 15: system 100 including the server retrieves centrally stored user-specific information 111 from database 112, including user preferences and personalized calendar information, and Figure 5 shows a screen shot of a What’s New page 306 (retrieving information), which is transmitted and displayed to the user).

Barnett suggests that the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30) and this would

Art Unit: 2176

suggest that the user interacts with the system can display Internet content independent of a web browser program.

To support the examiner's interpretation, Dang describes that Java applications (standalone applications) that don't need a browser to run (page 1, paragraph [0004]) Dang further describes the use of Java application to create web pages and other web-based application, and the java is used because of its platform independence (page 1, paragraph [0016]). Dang further describes Java application provides popup window and frame that appear outside the constraints of the normal browser, and the window and frame can display Internet content (page 2, paragraphs [0030], [0040]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dang with Barnett since both Barnett and Dang references provide a sufficient suggestion to those skilled in the art to modify the Barnett system to include display Internet content independent of a web browser program. The motivation for using popup window and frame is to allow more than one window or frame to be open at any given time.

10. As to dependent claim 43, Barnett discloses wherein the client device-resident process, content data, and the definition are provided by the Web content provider, thereby enabling the user interface to integrate seamlessly with the results of the client device-resident process and content data (col. 5, lines 3-35 and col. 6, lines 4-25: web server (web content provider) determines which application server 106 is best able to handle a particular connection for a particular user, and application server is running a

Art Unit: 2176

number of processes (computing device resident process), and a particular user is assigned to a selected process; col. 5, lines 11-15: What's New page (definition) retrieves personal calendar information from database server or web server (web content provider), and various types of data such as personal event data are retrieved from database server or web server (col. 5, lines 44-58 and col. 9, lines 38-47), and all of this information are presenting to the user via user interface (col. 8, line 60 - col. 9, line 6).

Response to Arguments

In the remarks, Applicant argued in substance that

A) Barnett or Dang does not teach or suggest "retrieving instructions and a definition usable by a client device to present data that is programmed in a format readable by a Web browser program: - the instruction for invoking a client device-resident process for obtaining the data from a device other than the client device, and - the definition that defining at least in part a functionality and an appearance of a user interface outside of a window of a Web browser program, for rendering on the client device the user interface independent of a Web browser program, and within which the results of a client device-resident process are presented.

In reply to argument A, Barnett discloses in col. 8, line 60 - col. 9, line 15 and Figure 5: in response to the user entering the information, system 100 including the server retrieves centrally stored user-specific information 111 from database 112, including user preferences and personalized calendar information, and Figure 5 shows a screen shot of a What's New page 306 (retrieving information). Barnett further

Art Unit: 2176

discloses that the page is in HTML format, which is readable by a Web browser program (col. 6, lines 31-54); wherein the information includes: (1) instructions for invoking a client device-resident process for obtaining the data from a device other than the client device (Figures 5-6, col. 5, lines 3-35, col. 6, lines 4-25 and col. 9, lines 2-15: Web server determines which application server 106 is best able to handle a particular connection for a particular user, the application server 106 is running number of processes, and each particular user is assigned to a selected process (computing device-resident process), the selected process contains executing application threads, which are invoked by a director 101 to retrieve personal calendar information from database servers layer 104. The database server 104 includes individual databases, which are stored on separate database servers (devices other than the client device), and (2) a definition that defines at least in part a functionality and an appearance of a user interface outside of a window of a Web browser program, for rendering on the client device of user interface independent of a Web browser program, and within which the results of the client device-resident process are presented (Figure 5 shows that when the user clicks "event directory" from the navigation bar, the results of which being capable of display within the frame shown in Figure 6, Figure 5 also shows a screen shot of a What's New page 306 showing a personalized welcome greeting is displayed, and the information displayed in What's New page (definition) is taken from the user's individual records in the database, the user's individual records displays a functionality and an appearance of user's specific information (col. 5, lines 44-58 and col. 9, lines 38-47). Barnett further discloses in col. 6, line 55 – col. 7, line 4 that as the user operates

Art Unit: 2176

the present invention, he or she is presented with interactive web pages that provides information and accept input, and one of ordinary skill in the art will recognize that the user may also possibly operate without use of a browser (col. 7, lines 25-30)), and this would suggest that the user interacts with the system can display Internet content independent of a web browser program.

To support the examiner's interpretation, Dang describes that Java applications (standalone applications) that don't need a browser to run (page 1, paragraph [0004]) Dang further describes the use of Java application to create web pages and other web-based application, and the java is used because of its platform independence (page 1, paragraph [0016]). Dang further describes Java application provides popup window and frame that appear outside the constraints of the normal browser, and the window and frame can display Internet content (page 2, paragraphs [0030], [0040]).

B) Content "programmed in a format readable by a Web browser program" means content typically viewed by way of a web browser application, such as HTML, dHTML, flash, streaming media, or Java. See, e.g., page 43, lines 7-29, page 49, lines 13-14, etc. of the specification, as filed.

In reply to argument B, applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., content typically viewed by way of a web browser application, such as HTML, dHTML, flash, streaming media, or Java) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from

Art Unit: 2176

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In this case, claim 32 claims "present data that is programmed in a format readable by a Web browser program". Barnett discloses that the page is in HTML format, which is readable by a Web browser program (col. 6, lines 31-54).

C) Dang fails to teach the limitation of a server providing information "programmed in a format readable by a Web browser program".

In reply to argument C, as mentioned in the rejection of claim 32 and 39 above, the examiner has used reference Barnett to reject the limitation "a server providing information programmed in a format readable by a Web browser program" (col. 6, lines 31-54). The examiner only uses Dang reference for supporting Barnett's teaching that the user interacts with system 100 can either use a browser application or without use of a browser (Barnett, col. 7, lines 25-30) and this would suggest that the user interacts with the system can display Internet content independent of a web browser program.

To support the examiner's interpretation, Dang describes that Java applications (standalone applications) that don't need a browser to run (page 1, paragraph [0004]). Dang further describes the use of Java application to create web pages and other web-based application, and the java is used because of its platform independence (page 1, paragraph [0016]). Dang further describes Java application provides popup window and frame that appear outside the constraints of the normal browser, and the window and frame can display Internet content (page 2, paragraphs [0030], [0040]).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The examiner can normally be reached on 8:30 am – 5:30 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton, can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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